

DEC 29 2004

Attorney's Docket No. 23-0685

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of)
CLYDE R FREDRICKSON et al.)
Serial No.: 10/780,477)
Filed: 02/17/2004)
For: AUTOMATIC TRUSS JIG SETTING SYSTEM)
Examiner: Watson, Robert C)
Group Art Unit: 3723)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

Sir:

Statement of Ownership under 37 CFR §3.73(b)(1)(ii)

The Assignee of record of both the above-identified patent application and U.S. Patent 6,712,347 is Truss Industry Production Systems, located at 10954 424 Avenue, Britton, SD 57430-5606. The Assignment is recorded in the U.S. Patent and Trademark Office on Reel 014956 at Frame 0539. As Assignee, Truss Industry Production Systems is owner of a 100% interest in the above-identified patent application and U.S. Patent 6,712,347.

Terminal Disclaimer

Truss Industry Production Systems hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified U.S. Patent Application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer of prior Patent No. 6,712,347. Truss Industry Production Systems hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S. C. §154 to §156 and §173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its fully statutory term as presently shortened by any terminal disclaimer.

Conclusion

The undersigned is empowered to act on behalf of the organization for submissions on behalf of Truss Industry Production Systems. A Fee Transmittal is being filed in conjunction with this Terminal Disclaimer for payment of the appropriate fee under 37

CFR §1.20(d). If necessary, please charge any additional fees, or credit any overpayment, to Deposit Account No. 50-3041.

Respectfully submitted,

LEONARD & PROEHL, Prof. L.L.C.



Date:

Dec 29, 2004

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